

## REMARKS

Claims 1-29 were examined. All claims were rejected. In response to the above-identified Office Action, Applicants do not amend any claims, cancel any claims, or add any new claims. Reconsideration of the rejections in light of the following remarks is requested.

### I. Claims Rejected Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-4, 8, 12 and 14 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,615,288 issued to Herzi ("Herzi"). Applicants note that these same claims were rejected under 35 U.S.C. § 103(a) as unpatentable over *Herzi* in view of U.S. Patent No. 6,128,732 issued to Chaiken ("Chaiken") in the Office Action of September 3, 2004, and although Applicants' arguments in the response mailed October 26, 2004 were not mentioned in the Examiner's subsequent action mailed January 26, 2005, new grounds of rejection were presented. Therefore, it appears that the Examiner has returned to a previously-overcome position with respect to these claims, except that *Chaiken* is no longer considered necessary to support the rejection.

Claim 1 recites a system comprising a number of elements, including a basic input-output system (BIOS) comprising an external bus support component to cause a periodic interrupt to be generated. As the Examiner conceded in the 9/3/2004 Office Action, "Herzi does not expressly teach generating the interrupt periodically." Applicants submit that *Herzi* does not teach generating the periodic interrupt implicitly either; instead, an interrupt is generated "when a user depresses a key on the keyboard." (See *Herzi*, col. 6, ll. 39-40.) This is different from the claimed periodic interrupt, and so Applicants respectfully request that the Examiner withdraw this rejection.

As to claims 2-4, those claims depend upon claim 1, and are patentable for at least the reason discussed in support of that claim. Applicants request that the rejections of these claims be withdrawn as well.

Claims 8 and 14 also require an interrupt to be periodically generated, and Applicants believe the claims are patentable over the reference of record at least because no such periodic interrupt is taught or suggested by *Herzi*. Claim 12, which depends on

claim 8, is also believed to be patentable for that reason. Therefore, Applicants respectfully request that the Examiner withdraw the rejections of claims 8, 12 and 14.

## **II. Claims Rejected Under 35 U.S.C. § 103(a)**

The Examiner rejected claims 24 and 28 under 35 U.S.C. § 103(a) as unpatentable over *Herzi* (*supra*). Claim 24 and its dependent claim 28 recite a machine-readable medium having instructions to cause a processor to perform various operations, including causing an interrupt to be periodically generated. As discussed with regard to claims 1, 8 and 14, above, *Herzi* lacks at least this element of a periodic interrupt. Therefore, even assuming (solely for the sake of argument) that the claim elements the Examiner describes as BIOS re-flashing would be obvious to one of ordinary skill in the art, the reference fails to teach or suggest a periodic interrupt, so the rejection of claims 24 and 28 should be withdrawn.

Claims 6, 7, 9, 15, 17, 25 and 27 stand rejected under 35 U.S.C. § 103(a) as unpatentable over *Herzi* in view of *Chaiken* (*supra*). The same claims were rejected over the same references in the Office Action of 9/3/2004, then (without discussion of Applicants' arguments presented 10/26/2004) rejected again over different references in the Office Action of 1/26/2005. In the present Office Action, Applicants' arguments of 3/23/2005 were dismissed as "moot in view of the new ground(s) of rejection," but it appears that these "new ground(s)" are merely those previously asserted and subsequently overcome. Applicants respectfully request that the Examiner withdraw these rejections and allow the claims, both since they depend upon claims previously demonstrated to be allowable, and because the currently-pending rejections have previously been overcome.

Claims 5, 13, 18 and 29 stand rejected under 35 U.S.C. § 103(a) as unpatentable over *Herzi* in view of *Chaiken*, and further in view of Intel "Instantly Available Power Managed Desktop PC Design Guide," Rev. 1.2, September 25, 1998 ("Intel"). Like the claims discussed previously, these claims are rejected over identical references previously applied and overcome. For that reason, and because claims 5, 13, 18 and 29 depend upon claims previously shown to be patentable, Applicants request that the Examiner withdraw these rejections and allow the claims.

Claims 10, 16 and 26 stand rejected under 35 U.S.C. § 103(a) as unpatentable over *Herzi* and *Chaiken*, and further in view of U.S. Patent No. 6,401,202 issued to Abgrall

("*Abgrall*"). As with many other rejections in the present Office Action, these claims are rejected over references previously applied and overcome in an earlier Action and Response thereto. The Examiner's return to previously-addressed positions, and indeed, to the same analysis, word-for-word, seems unlikely to advance the prosecution of this Application. Applicants respectfully request that the Examiner withdraw the rejections of these claims.

Claim 20, rejected under 35 U.S.C. § 103(a) as unpatentable over *Herzi* in view of U.S. Patent No. 6,772,252 issued to Eichler, Jr. *et al.* ("*Eichler*"), is another example of the same sort: this rejection is identical both in the references cited and the analysis applied to that advanced in the 9/3/2004 Office Action and overcome in the 10/26/2004 Response. For the reasons then proposed (and apparently deemed persuasive), Applicants ask the Examiner to withdraw this rejection.

Claims 19 and 21-23 are rejected over slightly modified combinations of the references relied upon in the 9/3/2004 Office Action, but the set of references cited is no different. Furthermore, none of the references supply the elements already explained to be missing from the base claim from which claims 19 and 21-23 ultimately depend. Applicants respectfully submit that these claims are allowable for at least the reasons discussed in support of claim 14, and because the supplemental references have previously been shown to have other defects in content or combinability. The Examiner is requested to withdraw these rejections and allow claims 19 and 21-23.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-29, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

Respectfully submitted,  
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